Statement of Substance of Interview

[0001] Applicant would like to sincerely thank Examiner *Saint Cyr* for conducting *a telephone* interview with Applicant's representative, *Martin R. Wojcik*, on *5/5/2009*.

[0002] During the interview, the Examiner and Applicant's representative discussed distinctions between the claims and the cited *documents*, namely *Vallone and McGee*. Without commenting on the propriety of the rejections, and in the interest of expediting prosecution, Applicant's representative also proposed possible amendments.

[0003] Examiner and Applicant discussed the proposed amendments. Applicant herein amends the claims *consistent with* the interview and presents additional arguments why the claims as amended are allowable over the cited documents. Accordingly, Applicant submits that the pending claims are allowable over the cited *documents* of record for at least the reasons discussed during the interview.

REMARKS

[0004]   Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 27-37, 44-49, and 51-61 are presently pending. Claims 27-31, 37, 44-47, 49, and 52-61 are amended herein. Claims 38-43, 50, and 62 are cancelled. No Claims are withdrawn, and no new claims are being added.

Formal Request for an Interview

[0005]   If the Examiner's reply to this communication is anything other than allowance of all pending claims and there only issues that remain are minor or formal matters, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0006]   Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Claim Amendments

[0007] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 27-31, 37, 44-47, 49, and 52-61 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

[0008] Support for the amendments to claims 27-31, 37, 44-47, 49, and 52-61 may be found in the Specification at least at in paragraphs [0067] – [0070], [0110], and [0152], and Figures 4 and 14, among others.

Substantive Matters

Claim Rejections under § 103

[0009] Claims 27-62 are rejected under 35 U.S.C. § 103. In light of the amendments presented herein, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0010] The Examiner's rejections are based upon the following references alone or in combination:

- Vallone: *Vallone, et al.,* US Patent No. 6,642,939 (issued November 4, 2003);
- McGee: *McGee, et al.,* US Patent No. 7,143,353 (issued November 28, 2006);
- Novak: *Novak, et al.,* US Patent Application Publication No. 2003/0126599 (Published July 3, 3003); and
- Swenson: *Swenson, et al.,* US Patent No. 6,064,380 (issued May 16, 2000).

Overview of the Application

[0011] The Application describes a technology for watching the same source multimedia content at multiple locations within an environment. *See the Abstract.*

Cited References

[0012] The Examiner cites Vallone as the primary reference in the obviousness-based rejections. The Examiner cites McGee and Novak as secondary references in the obviousness-based rejections.

Vallone

[0013] Vallone is directed to a multimedia schedule presentation system providing a program guide area which is a list of the programs that are currently airing, was aired, or is scheduled. *See Vallone Abstract.*

McGee

[0014] McGee is directed to systems for bookmarking an area of interest of stored video content. *See McGee Abstract.*

Novak

[0015] Novak describes a technology for accessing a media program and a user of the editing device designates excerpts within the media program. *See Novak Abstract.*

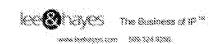## _Swenson_

[0016]   Swenson describes a network computer system in which completion point file positions of multimedia file presentations may be saved in persistent memory devices when a user desires to terminate a multimedia file being presented on a display device. _See Swenson Abstract._

Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0017]   Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

Based upon Vallone

[0018]   The Examiner rejects claims 27-30, 32-49, 51-62 under 35 U.S.C. § 103(a) as being unpatentable over Vallone in view of McGee.   Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

[0019]   Applicant submits that combination of _Vallone_ and _McGee_ does not teach or suggest at least the following features as recited in this claim (with emphasis added):

- presenting a user interface (UI) on a multimedia presentation system at a first locus, wherein the UI comprises a display area listing a bookmark for a bookmarked multimedia program bookmarked at a second locus different from the first locus;

- requesting that a communicatively coupled multimedia server streams to the multimedia presentation system at the first locus the selected bookmarked multimedia program from the point of the bookmark;

- presenting the selected bookmarked multimedia program at the multimedia presentation system at the first locus from the point of the bookmark.

[0020]   In contrast, in _Vallone_ :

- viewer has to view the video from the same location where a bookmark is made;

- no request to ask a server to stream the video to the viewer is disclosed.

[0021]   Regarding _McGee_, the Office Action states that _McGee_ describes "presenting a user interface ... on a multimedia presentation system at first locus," (_See Office Action at 3_), while equating the PDA of _McGee_ to a first

location (and presumably the "first locus") of Claim 27 (*See Office Action at 2*). However, the cited portions of *McGee* describe that the "processed frames are next transferred to the host processor which writes the processed keyframes to display memory and displays them in a user interface such as a computer display, television screen," (*see McGee at 14:55-58*) and do not describe that the "UI comprises a display area listing a bookmark for a bookmarked multimedia program" as required by claim 27. In other words, the displaying of "processed keyframes" of McGee is not equivalent to "a display area listing a bookmark for a bookmarked multimedia program" of Claim 27.

[0022]   Furthermore, the Office Action also equates using the "look-up table" of McGee to "listing a bookmark" of Claim 27. *See Office Action at 3-4*. However, the cited portions of McGee state that "In one embodiment of the invention, a user might store the bookmarks on a PDA, server or other storage device. This can act as a look up table." The Examiner has provided no evidence that can lead to a conclusion that "storing the bookmarks on a PDA" as a "look-up table" is equivalent to the element of the "UI comprises a display area listing a bookmark for a bookmarked multimedia program" as required by claim 27.

[0023]   Furthermore, Applicant notes that the "processed frames" of *McGee* are not equivalent to the "look-up table" of *McGee*. Thus the User Interface described with reference to the "processed frames" of *McGee* does not apply to the "look-up table" that is associated with the PDA of *McGee*. Furthermore, applicant notes that the "PDA" of *McGee* is separate from the "host processor" of *McGee*.

[0024] Thus, McGee does <u>not</u> describe the element of "presenting a user interface (UI) on a multimedia presentation system at a first locus, wherein the UI comprises a display area listing a bookmark for a bookmarked multimedia program bookmarked at a second locus different from the first locus" of Claim 27.

[0025] Applicant also submits that *McGee* at col. 3:30-4:4 describes that the "user might store the bookmarks on a PDA," and "verify if they have viewed or obtained a specific video by comparing a bookmark or frame information to frame information of the video, stored, for example on an external server." *See McGee at 3:60-64*. In other words, *McGee* describes that the "viewer might download video and then after viewing, delete the video, keeping only the bookmark(s) and then retrieve the video from an external source when additional viewing is desired." *Id*. However, the retrieved video of *McGee* is not shown on the alleged first locus system of *McGee* (i.e., the PDA).

[0026] Thus, neither Vallone nor McGee describe or suggest the element of "presenting the selected bookmarked multimedia program at the multimedia presentation system at the first locus from the point of the bookmark" of Claim 27. In other words, McGee does <u>not</u> describe that the "remote device," such as the PDA, may be used for "presenting the selected bookmarked multimedia program at the multimedia presentation system at the first locus from the point of the bookmark" as recited in Claim 27, and in Vallone, the viewer has to view the video from the same location where a bookmark is made.

[0027]   Consequently, the cited references do not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 28-36

[0028]   These claims ultimately depend upon independent claim 27. As discussed above, claim 27 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Independent Claim 47

[0029] Applicant submits that the cited references do not anticipate or make obvious at least the following features as recited in this claim (with emphasis added):

- presenting a graphic user interface (UI) on a multimedia presentation system at a resume location ("resume-locus system") that allows a user to select when to resume presentation of a bookmarked multimedia program from a point of a bookmark, wherein the bookmark was generated at another location;

- a first display of different locations where the selected bookmarked multimedia program can be assumed (see Fig. 7);

- a second display of at least one of different bookmarks within the selected bookmarked multimedia program (see Fig. 8); and

- a third display of the selected bookmarked multimedia program with a bookmark icon (see Fig. 12);

- requesting that a communicatively coupled multimedia server streams to the resume-locus system the selected bookmarked multimedia program from the point of the bookmark;

- presenting the selected bookmarked multimedia program from the point of the bookmark and doing so at the resume-locus system using turner-swapping or turner-sharing.

[0030]   In contrast, in *Vallone* :

- viewer has to view the video from the same location where a bookmark is made;

- no request to ask a communicatively coupled multimedia server to stream the selected bookmarked multimedia program the resume-locus system is disclosed.

[0031]   Applicant submits that the description for the Examiner-cited (*See Office Action at 12*) FIG. 26 of *Vallone* is directed to "Time marks 2603, 2604 are displayed inside the trick play bar 2601 giving the user a visual reference point from which to judge the current time and how far back in time the cache has recorded. The time marks 2603, 2604 can be any increment of time needed, but usually are in half hour or 15 minute increments." Applicant submits that "time marks" of *Vallone* are not "bookmarks" of Claim 47 at least because the "time mark" is not "generated at another location within a network of communicatively coupled multimedia presentation systems," as recited in the claim. Applicant also submits that the Examiner has not provided any evidence showing that a "time mark" of *Vallone* is analogous to the "bookmark" of the present claim. Therefore, Vallone does not describe "wherein the graphic user interface comprises:

a first display of different locations where the selected bookmarked

multimedia program can be assumed;

a second display of at least one of different bookmarks within the

selected bookmarked multimedia program; and

a third display of the selected bookmarked multimedia program with a bookmark icon;" as required by claim 47.

[0032]   Next, McGee is cited for "a resume location ("resume-locus system") that allows a user to select when to resume presentation of a <u>bookmarked</u> multimedia program from a point of a bookmark." However, the cited portions of McGee describe that "Indices of segments can be reviewed from remote locations, such as via the internet or world wide web and videos can be selected by searching through such an index." *See Office Action at 12-13 citing McGee at 2:29-31 and 4:40-44.* In other words, the above portions of McGee only describe that "indices of segments" can be reviewed, and that "videos can be selected."

[0033]   Furthermore, McGee at 4:40-44 only describes that "Users could then download the bookmarks at a remote location at their election. Users could then use the bookmarks to identify the original item of content from which the bookmark was created." Applicant submits that using a computer to download bookmarks is not equivalent to a "resume location ("resume-locus system") that allows a user to select when to resume presentation of a bookmarked multimedia program from a point of a bookmark" as required by Claim 47.

[0034]   Thus, neither Vallone nor McGee describe or suggest the element(s) of "presenting the selected bookmarked multimedia program from the point of the bookmark and doing so at the resume-locus system using turner-swapping or turner-sharing" of Claim 47. In other words, McGee does <u>not</u> describe that the "remote device," such as the PDA, may be used for "presenting the selected bookmarked multimedia program at the multimedia presentation system at the

resume-locus system" as recited in Claim 47, and in Vallone, the viewer has to view the video from the same location where a bookmark is made.

[0035]   Additionally, Applicant submits that nowhere does Vallone or McGee, taken singly or together, describe or suggest the element(s) of "presenting the selected bookmarked multimedia program from the point of the bookmark and doing so at the resume-locus system using turner-swapping or turner-sharing" of Claim 47. In fact, the Office Action does not even address the "turner-swapping or turner-sharing" of Claim 47.

[0036]   Consequently, the cited references do not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claim 48

[0037]   This claim ultimately depends upon independent claim 47.   As discussed above, claim 47 is allowable.   It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable.   Additionally, this claim may also be allowable for additional independent reasons.

Independent Claim 49

[0038] Applicant submits that the cited references do not anticipate or make obvious at least the following features as recited in claim 49 (with emphasis added):

- a first display area being at a first locus and listing bookmarks, each one of the bookmarks being associated with one or more multimedia programs, one or more multimedia programs being bookmarked at a locus different from the first locus;

- an executable process configured to stream a request for a multimedia program of the one or more multimedia programs when its associated listing ("selected listing") is selected from the listing of the bookmarks; the request is sent to a communicatively coupled multimedia server to ask the communicatively coupled multimedia server to stream the multimedia program associated with a bookmark of the selected listing from the point of the bookmark; and

- a second display area at the first locus displaying the multimedia program from the point of the bookmark listed in the first display area.

[0039] In contrast, in _Vallone_ :

- viewer has to view the video from the same location where a bookmark is made;

- no request to ask a server to stream the video to the viewer is disclosed.

[0040] Regarding *McGee*, the Office Action states that *McGee* describes "a first display area being at a first locus and listing bookmarks, each one of the bookmarks being associated with one or more multimedia programs, one or more multimedia programs being bookmarked at a locus different from the first locus," (*See Office Action at 14*), while equating the PDA of *McGee* to a first location (and presumably the "first locus") of Claim 49. However, the cited portions of *McGee* describe that the "processed frames are next transferred to the host processor which writes the processed keyframes to display memory and displays them in a user interface such as a computer display, television screen," (*see McGee at 14:55-58*) and do not describe that the "first display area being at a first locus and listing bookmarks, each one of the bookmarks being associated with one or more multimedia programs, one or more multimedia programs being bookmarked at a locus different from the first locus" as required by claim 49. In other words, the displaying of "processed keyframes" of McGee is not equivalent to "a first display area at a first locus and listing bookmarks" of Claim 49.

[0041] Furthermore, the Office Action also appears to equate using the "look-up table" of McGee to "listing bookmarks" of Claim 49. *See Office Action at 14.* However, the cited portions of McGee state that "In one embodiment of the invention, a user might store the bookmarks on a PDA, server or other storage device. This can act as a look up table." The Examiner has provided no evidence that can lead to a conclusion that "storing the bookmarks on a PDA" as a "look-up table" is equivalent to the element of the "first display area being at a first locus and listing bookmarks, each one of the bookmarks being associated with one or

more multimedia programs, one or more multimedia programs being bookmarked at a locus different from the first locus" as required by claim 49.

[0042]   Furthermore, Applicant notes that the "processed frames" of *McGee* are not equivalent to the "look-up table" of *McGee*. Thus the User Interface described with reference to the "processed frames" of *McGee* does not apply to the "look-up table" that is associated with the PDA of *McGee*. Furthermore, applicant notes that the "PDA" of *McGee* is separate from the "host processor" of *McGee*.

[0043]   Thus, neither Vallone nor McGee describe or suggest the element(s) of a "second display area at the first locus displaying the multimedia program from the point of the bookmark listed in the first display area" of Claim 49. In other words, McGee does <u>not</u> describe that the "remote device," such as the PDA, may be used for "displaying the multimedia program from the point of the bookmark" as recited in Claim 49, and in Vallone, the viewer has to view the video from the same location where a bookmark is made.

[0044]   Consequently, the cited references do not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Claim 51-52

[0045]   These claims ultimately depend upon independent claim 49.   As discussed above, claim 49 is allowable.   It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable.   Additionally, these claims may also be allowable for additional independent reasons.

Independent Claims 37, 38, 44, 53, 57, and 62

[0046] Each of claims 37, 44, 53, 57, and 62 includes at least one feature similar to the claimed features discussed above regarding claim 27, namely the UI comprising a display area listing a bookmark bookmarked at a second locus different from the first locus, as well as presenting the selected bookmarked multimedia program at the multimedia presentation system at the first locus from the point of the bookmark. Thus, these claims are allowable over the cited reference for at least similar reasons as discussed above regarding claim 27. Also, Claims 38 and 62 have been cancelled. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of these claims.

Dependent Claims 28-30, 32-36, 45-46, 51-52, 54-56, and 58-61

[0047] These claims ultimately depend upon independent claims 27, 44, 49, 53, and 57. As discussed above, claims 27, 44, 49, 53, and 57 are allowable. Also, dependent claims 39-43 have been cancelled. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

<u>Conclusion</u>

[0048] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the <u>Examiner is urged to contact me before issuing a subsequent Action</u>. Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

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